

## REMARKS

Claim 20 has been amended. Claims 1-35 remain in the application.

In page 2 of the Office action, dependent claim 20 was objected to for referring to claim 10, which does not recite a holder. Claim 20 has been amended to be dependent upon claim 11, which refers to a holder. Accordingly, Applicants respectfully request that the objection be withdrawn.

In pages 2-3 of the Office Action, claims 1-10 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,391,215 to Smith et al. ("Smith Patent"). In pages 3-7, claims 11-36 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Smith Patent. Thus, the Smith Patent is the sole reference relied upon for the rejections.

The Smith Patent, however, is not prior art to the subject application. Applicants claim priority under 35 U.S.C. §119(e) to Provisional App. No. 60/139,535, filed **June 16, 1999**. *See, e.g.,* Declaration and Power of Attorney for Patent Application; Preliminary Amendment; Cover Page, Publication No. WO 00/76583 A1; Request.

The Smith Patent recites a §102(e) date of **March 6, 2000**, which is prior to Applicants' International Filing Date of June 16, 2000, but subsequent to Applicants' priority date of **June 16, 1999**. Accordingly, the Smith Patent is not prior art, and the Applicants respectfully request that the rejections under sections 102 and 103 be withdrawn.

Applicants also respectfully request initialed copies of all of the Information Disclosure Statements (IDS). The Office Action included an initialed copy of page 2 of 2 of the December 17, 2001 IDS, but did not include initialed copies of page 1 of 2 of the December 17, 2001 IDS or the September 3, 2002 Supplemental IDS.

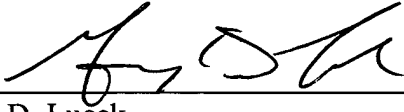
In view of the foregoing, the Applicants respectfully request that the application is in condition for allowance and respectfully request that a timely Notice of Allowance be issued in

this case. If there are any remaining issues that can be resolved by telephone, Applicants invite the Examiner to contact the undersigned at the number indicated below.

Respectfully submitted,

**BINGHAM McCUTCHEN, LLP**

Dated: November 13, 2003

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